THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: September 22, 2020

Subject: Conditional Zoning Amendment for the Coxe / Asheland Development

Staff Resource(s): Todd Okolichany, AICP, LEED AP ND, Planning & Urban Design Director; Jessica Bernstein, Urban Planner II

Action Requested: Amend a previously approved conditional zoning for a mixed-use development for changes to the design of the project

Project Location and Contacts:

- The project site consists of four parcels with a combined area of approximately 4.43 acres, located at 172 Asheland Avenue, 185 and 99999 Coxe Avenue and 5 Federal Alley (PINs 9648.37-2643, 9648.38-0052, 9648.37-1928 and 9648.37-2825) that are owned by Asheland Properties LLC and South Slope Holdings LLC.
- Petitioner: Tribute Investment & Development Inc; Contact: Warren Sugg

Summary of Petition:

- The project was approved by City Council on December 10, 2019, under ordinance no. 4785 (attached) and is zoned Central Business District Conditional Zone (CBD-CZ).
- As detailed in the current ordinance (attached), the development was approved for a mixed-use project with frontage on Coxe Avenue, Asheland Avenue and Federal Alley with residential and commercial uses throughout multiple buildings, a parking structure integrated into the development and urban open space in the form of a series of public and private interior courtyard spaces connecting the frontages and running through the site from east to west.
- The requested amendment primarily impacts the use and design of the northernmost building on Asheland Avenue and the use and design of the structure along Federal Alley. There are no changes to the Coxe Avenue buildings, interior courtyards or streetscape.
- The Asheland Avenue change proposes a residential building instead of the previous design that was intended for office use and the revision eliminates the residential liner building that was previously shown along Federal Alley.
- The changes to the buildings on Federal Alley and Asheland Avenue still comply with City of Asheville Unified Development Ordinance (UDO) standards such as: fenestration and expanses of solid wall and providing pedestrian entrances along street frontages. Since Federal Alley is not a key pedestrian street, the liner building in the previous design is not expressly required.
- The applicant has clarified that the land needed to construct the six-foot sidewalk connection from Federal Alley to Coxe Avenue is subject to the acquisition of land currently owned by the State. The process to acquire the land is currently underway but not yet complete and the construction of this offsite improvement is subject to completion of the acquisition.
- The ordinance includes a number of site specific conditions that are still applicable (see attached B.1 conditions).
- This amendment does not conflict with those conditions, except that the approval was linked to the previous site plan and renderings; therefore, removing the liner building and altering the facades along Federal Alley and Asheland necessitate an amendment to the previously approved conditional zoning approval.
- The summary of changes is as follows:
    - Slight reduction in residential units *(from 488 down to 474)*
    - While the number of residential units is reduced there will be no reduction to the number of affordable units; the applicant will still provide the originally approved amount of affordable units (10 percent of 488 units, which is 48 affordable units)
    - Reduction in commercial programming *(from 86,000 square feet down to 44,199 square feet due to a reduction in the large office component in the original plan)*
    - Parking garage footprint remains the same but scale reduced *(from 973 spaces down to six levels and approximately 574 spaces)*
    - Federal Alley liner building eliminated with those residential units now relocated to the

Asheland Avenue north building
    - Parking garage pulls up to front directly on Federal Alley and has been designed to include 18 foot deep “stalls” along the ground level that can be activated with a variety of temporary “pop-up” uses
    - Asheland Avenue north building was previously a 30,000-square foot, four story office building; now five stories and all residential use with significant aesthetic changes to facade due to the new use
    - Asheland Avenue south building was previously seven stories (two commercial ground levels with five residential levels above); now six stories (one level of commercial eliminated)
    - Rooftop patio previously on north end of Asheland Avenue building eliminated
- The Downtown Commission considered this request at their meeting on July 10, 2020, and voted unanimously to support the proposed change but with the following suggestions:
    - Revise the design of the north building on Asheland to differentiate and minimize the massing of the building, perhaps using the location of the vehicular entry as a "break" point *(the applicant agreed to and made the changes)*
    - Consider adding ground-level commercial space to the north building on Asheland *(the applicant prefers to maintain residential units on the ground floor)*
    - Minimize 24-hour parking deck lighting *(the applicant is agreeable to this suggestion)*
    - Consider adding amenities / facilities for year-round market stalls on Federal Alley *(the applicant is agreeable to this suggestion but the details remain an ongoing discussion)*
- The Planning and Zoning Commission reviewed the request at their meeting on August 5, 2020, ultimately voting at the September 2, 2020 meeting and unanimously recommended support.
    - Public comments were received and there were primarily concerns that relocating residential units to Asheland Avenue (in place of the office component) would add cut-through traffic to the South French Broad residential neighborhood via Morgan Street; a desire for retail spaces along the ground level along Asheland Avenue to provide more places for residents of the adjacent neighborhood to visit by foot and concerns that the reduction in parking spaces within the garage structure will result in overflow parking on-street in the South French Broad residential neighborhood. Additional comments received were not specific to the amendment.
- The project location is within Census Tract 9, an Opportunity Zone area. City resolution no. 18-269 (see attached) states that Council commits to work with investors and the resolution offers guidance on projects within these areas to promote equitable growth, avoid displacement of low income or residents of color and avoid the loss of community assets or land.

Comprehensive Plan Consistency:

- As previously stated in the 2019 staff report, this development has been evaluated for consistency with the Living Asheville Comprehensive Plan and determined to be aligned in multiple ways. This amendment does not alter the alignment of this mixed-use project with the Living Asheville plan.

Compatibility Analysis:

- With the proposed amendment, the development remains compatible with the surrounding area by including market rate and affordable units in close proximity to downtown.
- Regarding the design change to the building on Asheland Avenue, the applicant responded to the requests from both staff and the Downtown Commission to include modifications to the facade to attempt to minimize the massing with several sections of color differentiation.
- The B.1 conditions that were agreed to during the previous review for pedestrian safety and traffic improvements are still in place to further minimize potential impacts.
- Since the number of residential units and office component have decreased with this amendment, staff does not believe that shifting the location of the uses within the development should have any greater traffic impact and notes that off-street parking is not required in the zoning district.
- Further, the proposed number of parking spaces is just under the minimum that would be

required for the development if located elsewhere. The location of the project in an urban setting, close to downtown and availability of transit, support the amount of parking provided in this project.

Council Goal(s):

- A Well-Planned and Livable Community
- Quality Affordable Housing
- Transportation and Accessibility

Committee(s):

- Technical Review Committee (TRC) - June 2020 - approved with conditions
- Downtown Commission (DTC) - July 10, 2020 - recommended unanimous approval with suggested conditions
- Planning & Zoning Commission - August 5 & September 2, 2020 - recommended approval 7-0

Staff Recommendation:

- Staff recommends approval of this amendment as the project includes market rate and affordable units in a location that is proximate to downtown and still includes a mix of uses to activate this area of the city.
- Staff finds that while the residential liner building was preferable, the changes to the Federal Alley parking structure still provide a mechanism for activation at the street level, as well as a creative design that allows for the redistribution of residential units to Asheland Avenue.
- As noted above, the applicant has made efforts to break up the visual massing of the building along Asheland Avenue and the redistribution of uses throughout the site is acceptable.
- Conditions from the original approval for traffic mitigation and affordable housing are unchanged with this amendment.
- Staff does have some concern regarding the unsettled land acquisition that would provide safe pedestrian connectivity offsite to Coxe Avenue.

Suggested Motion to Approve (if approving):

- I move to approve the amendment to the previously approved conditional zoning for the Coxe/Asheland Mixed-Use Development from Central Business District Expansion Conditional Zone (CBD EXP CZ) to Central Business Expansion District (CBD EXP CZ) for the design changes to the new mixed-use development and find that the request is reasonable, is in the public interest, is consistent with the city's comprehensive plan, and meets the development needs of the community in that:
  1) the Downtown Future Land Use category of the Living Asheville Comprehensive Plan anticipates a mix of uses as included in this development;
  2) the project enhances the pedestrian experience with widened sidewalks, active ground floor uses and intentional urban open space with portions that are accessible to the public; and,
  3) the proposal maintains the original amount of affordable residential units in a location that is close to downtown and transit availability.

Attachment(s)

(1) Exhibit A1 Map - Existing Zoning (no change to zoning proposed)
(2) Exhibit B Map - Aerial
(3) Exhibit C Map - Future Land Use
(4) Exhibit D - Site Plans and Facade/Footprint Comparison
(5) (Draft) Exhibit B.1 List
(6) Previously Approved Ordinance
(7) Draft Ordinance
(8) Opportunity Zone Resolution
(9) Downtown Commission Minutes
(10) Previous 2019 City Council Staff Report
(11) Planning & Zoning Commission Recommendation

(12) Planning & Zoning Commission Draft Minutes from August 5, 2020 meeting